



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

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SB 2083

Testimony of Amy De Kok
House Human Services
March 15, 2021

Chairman Weisz and members of the House Human Services committee, my name is Amy De Kok. I am in-house legal counsel for the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. NDSBA and our member districts stand in support of SB 2083 as amended by the Senate.

Our public schools serve arguably the most vulnerable population of ND citizens. Parents entrust their children to our schools and to keep their kids safe and protected while in their care. School districts in ND take this responsibility very seriously and make significant efforts in furtherance of this obligation. Some of these efforts include developing robust policies and procedures covering a myriad of subjects, providing regular and ongoing training and professional development to staff, conducting criminal background checks on all employees who may have any unsupervised contact with children, and adopting procedures to ensure prompt reporting of misconduct on the part of school staff, volunteers, or service providers that have involvement with our schools. These are a few of the many proactive and responsive steps schools take to keep students safe and protected from harm. Schools are also highly regulated by federal and state law, particularly in terms of providing special education and related services to students with disabilities.

Regarding child abuse and neglect, schools employ several categories of mandatory reporters. These are individuals who by law must report any knowledge of known or suspected instances of child abuse or neglect. SB 2083 seeks to expand the existing definition of institutional child abuse or neglect to include public and private schools. NDSBA and our member districts are supportive of protecting students from harm, especially conduct that could constitute child abuse or neglect. In its original form, the bill did not address the impact this expansion would have on a school district's ability to investigate and respond to reported allegations of child abuse or neglect on the part of a school employee, including the school's ability to possibly take appropriate action against an individual who, despite all of the efforts put in place by the school, has engaged in misconduct.

These concerns with the bill were discussed with the Department and we were able to work with Director Jones and Mr. Pederson on the amendments made to the bill by the Senate. These concerns and resulting amendments relate to two areas. First, we wanted the bill to address the coordination between the Department and the school when the Department or its designee conducts an assessment following receipt of a report of institutional child abuse or neglect where a public or private school is the subject. The amendments make it clear that a school could conduct an internal investigation into conduct alleged in a report concurrently with any DHS assessment. The amendments also call for DHS and the school to coordinate the planning and execution of the child protection assessment and school investigation efforts.

The second area addressed by the amendments relates to confidentiality of the report and any information related to the report. We wanted to make sure school officials have access to information reported to DHS in order that schools may fully and appropriately address any alleged misconduct on the part of their employees. The identities of persons making the report or supplying information to DHS would remain confidential except as to individuals who are employed by the school. Without this information, schools would be unable to properly investigate on their end (which they are obligated to do) and take appropriate action against employees who engage in conduct that is the subject of the report. On a related note, the amendments also keep all records and information gathered, obtained, created, or received by a school in connection with any report of institutional child abuse or neglect confidential until a finding of institutional child abuse or neglect is indicated by the state child protection team.

With these concerns addressed by the amendments, NDSBA moved to a support position. We ask that the Committee issue a Do Pass Recommendation in its current form. Thank you for your time and I would be happy to stand for any questions.